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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,365

03/26/2007

Peter Lisec

4301-1161

6889

466 7590 07/10/2009
YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

07/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,365	Applicant(s) LISEC, PETER	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendments filed on November 7, 2008 and February 17, 2009 have been entered.

Claim Objections

2. Claims 22, 24 and 33 are objected to because of the following informalities:

In claim 22, line 3, "the" is misspelled.

In claim 33, line 2, a word (e.g., of) is missing after "direction".

Appropriate correction is required.

Claim Rejections - 35 USC § 112, 1st paragraph

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 22 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The disclosure does not provide sufficient support for the recitation "wherein pressure is exerted on the glass panel via a breaking strip, a direction of the pressure

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exerted by the breaking strip being opposite to a direction of a force exerted on the glass panel by the suction devices" as set forth in claim 22. Rather, support is provided for the breaking strip applying pressure in the downward direction, and the force exerted on the glass panel by the suction devices also being in the downward direction.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 21-25, 32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by European Publication 1 334 953 (hereafter EP '953).

Regarding claim 21 and the claims dependent therefrom, EP '953 discloses a device wherein every step of the claimed method is performed including:

curving a glass panel by clamping the glass panel on both of two opposite sides of a score line provided across a surface of the glass panel (e.g., as shown in Figs. 2, 12, 15, 19 (see translation paragraph 0035));

exerting pressure on an opposite surface of the glass panel, the opposite surface being opposite the surface having the score line, the pressure applied along an entire length of the score line (e.g., as shown in Figs. 2, 12 and 15 (see translation paragraph 0035)); and

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exerting additional pressure on both of the two opposite sides of the score line in an area on the surface of the score line at one end of the score line, wherein the glass panel is pre-stressed by the curving step, the surface having the score line becoming convex during said curving step (e.g., as shown in Figs. 3 13, 16, 20), and

wherein the breaking of the pre-stressed glass panel is triggered along the score line by the exerting additional pressure step (e.g., the disclosed method and device are fully capable of performing such a function);

[claim 22] wherein suction devices clamp the glass panel in the curving step, the suction devices being loaded with underpressure, and

wherein pressure is exerted on the glass panel via a breaking strip, a direction of the pressure exerted by the breaking strip being opposite to a direction of a force exerted on the glass panel by the suction devices (e.g., in the same manner as performed by the present invention as best understood from the claim);

[claim 24 (from 22)] wherein the pressure exerted by the breaking strip is a constant pressure over an entire length of the score line;

[claim 23] wherein pressure is exerted to trigger the breaking with the aid of a pressing tool with two fingers (e.g., 9, 9) pressing down on the prestressed glass panel in the area of one edge thereof (e.g., any of the edges including the upper or lower edge).

Regarding claim 25, EP '953 discloses a device with every structural limitation of the claimed invention including:

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support plates (e.g., 2, 2) forming a support surface for supporting the glass panel, and having a gap (e.g., 5) running along an area between the plates;

clamping devices provided in the area of a gap between the support plates (e.g., 16 are each provided in the area of the gap 5);

a breaking strip (e.g., 4) provided in the gap; and

a pressing tool (e.g., 9) provided proximate to one end of the gap, the pressure tool configured to exert a pressure on a surface of the glass panel containing the score line;

[claim 32] wherein clamping devices comprise suction devices (e.g., 16).

Regarding claim 34, EP '953 discloses a device wherein every step of the claimed method is performed including:

splitting a glass panel (e.g., 3) along a score line of the glass panel using a device comprised of,

support plates (e.g., 2, 2) forming a support surface for supporting the glass panel, and having a gap (e.g., 5) running along an area between the plates,

clamping devices (e.g., 16) provided in the area of a gap between the support plates,

a breaking strip (e.g., 4) provided in the gap, and

a pressing tool (e.g., 9) provided proximate to one end of the gap, the pressure tool configured to exert a pressure on a surface of the glass panel containing the score line,

wherein the splitting step further comprises the sub-steps of:

curving a glass panel by clamping the glass panel with the clamping devices on both of two opposite sides of a score line provided across a surface of the glass panel (e.g., as described for claim 21);

exerting pressure via the breaking strip on an opposite surface of the glass panel, the opposite surface being opposite the surface having the score line, the pressure applied along an entire length of the score line (e.g., as described for claim 21); and

exerting additional pressure via the pressing tool on both of the two opposite sides of the score line exclusively in an area on the surface of the score line at one end of the score line (e.g., as described for claim 21),

wherein the glass panel is pre-stressed by the curving step, the surface having the score line becoming convex during said curving step, and

wherein the breaking of the pre-stressed glass panel is triggered along the score line by the exerting additional pressure step (e.g., the device of EP '953 performs and/or is fully capable of performing in such a manner).

Claim Rejections - 35 USC § 102/103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over European Publication 1 334 953 (hereafter EP '953).

EP '953 discloses a device with every structural limitation of the claimed invention including:

[claim 28 (from 25)] further comprising:

a linear motor (e.g., 8) configured to adjust the pressing tool in a normal direction perpendicular to the support surface;

In the alternative, if it is argued that EP '953 does not sufficiently disclose a linear motor, the Examiner takes Official notice that such linear motors are old and well known in the art and are well known equivalent devices that provide various well known benefits including different desirable maintenance benefits. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a linear motor on the device of EP '953 to gain the well known benefits as discussed above.

Claim Rejections - 35 USC § 103

9. Claims 26, 27, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Publication 1 334 953 (hereafter EP '953).

EP '953 discloses a device with almost every structural limitation of the claimed invention as described above but lacks the specific pressing tool structure as follows:

[claim 26] wherein the pressing tool is fork-like with two fingers directed toward the support plates;

[claim 27 (from 26)] wherein the fingers are each equipped at a free end with parts made of an elastic material;

[claim 31 (from 26)] wherein the fingers of the pressing tool are fastened in an adjustable manner to an arm;

[claim 28 (from 25)] further comprising:

a linear motor configured to adjust the pressing tool in a normal direction perpendicular to the support surface;

[claim 29 (from 28)] wherein the pressing tool is configured to pivot on a piston of the linear motor;

[claim 30 (from 29)] further comprising:

a spring (26) to urge the pressing tool (20) toward a zero position;

[claim 33] wherein the pressing tool (e.g., 9) is adjustable in a direction (of) the gap between the support plates.

However, the Examiner takes Official notice that pressure-applying tools having such a configuration are old and well known in the art and provide various well known benefits including a structure to efficiently and effectively apply pressure to a desired location. Therefore, it would have been obvious to one having ordinary skill in the art to provide a tool having such a configuration on the device of EP '953 to gain the well known benefits including those described above.

Further, it would have been obvious to one having ordinary skill in the art to provide pressure applying tools having such a configuration since applicant has not disclosed that having tools with such a configuration solves any stated problem or is for

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any particular purpose, and it appears that the breaking device would perform equally well with virtually any one of the known pressure-applying tools.

It is noted that the common knowledge or well-known in the art statement of the previous office action has been taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. See MPEP § 2144.03.

Response to Arguments

10. Applicant's arguments filed November 7, 2008 have been fully considered but they are not persuasive. It is respectfully submitted that the prior art meets the claimed invention as described in further detail in the prior art rejection above. Thus, the prior art rejections must be maintained.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
July 6, 2009